



## Turkmenistan

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 23, 2001

Turkmenistan, a one-party state dominated by its president and his closest advisers, continues to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, remained the sole political party in the country. The Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and repression of dissent. The KNB reportedly exercises wide discretion over issues such as exit visas and Internet access and works to limit personal freedoms. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Negotiations between the Government and an international gas consortium concerning the construction of a gas export pipeline across the Caspian Sea--the Trans-Caspian Pipeline--stalled in the latter half of the year. While the idea for the pipeline still exists, the Government is focusing instead on negotiating large gas deals with Russia and Ukraine. It is also considering projects for pipelines through Iran and Afghanistan, as well as a pipeline to China.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. In 1999 one political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, and unfair trials remained problems. Approximately 12,000 prisoners were amnestied and released during the year; 2 were political prisoners. An additional 2,000 received a reduction of sentence. Interference with citizens' privacy remained a problem. During the year, the Government demolished hundreds of private homes in and around Ashgabat with very little notice given to the owners in order to make room for large urban building projects such as luxury apartments, government buildings, and monuments; many displaced homeowners received little or no compensation for their loss.

The Government severely restricts freedom of speech and does not permit freedom of the press. In May the Government withdrew the operating licenses of all private Internet providers, leaving only state-owned Turkmen Telecom as a service provider. The Government completely controls the media, censoring all

newspapers and never permitting independent criticism of government policy. Criticism of officials is only permitted if it directed at those who have fallen out of favor with the President. The focus of the media on President Niyazov, around whom a personality cult has been built, intensified during the year. The President's father and mother have been incorporated more fully into the cult. Academic freedom has also declined. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion reaffirms a number of important religious freedoms but also tightens government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. Repression of religious minorities continued during the year, although it abated somewhat during the summer following a government decree against unlawful searches that was issued in April. At least 10 non-governmental groups were registered during the year; 8 were affiliated with Sunni Muslim. Government restrictions on travelling abroad, including for educational and training purposes, tightened during the year. The Government has also increased restrictions on internal travel, limiting travel of both citizens and non-citizens to border cities and regions. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January 1999, the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

In September 1999, political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. Following his death, the Government rejected requests in 1999 from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (see Sections 1.c. and 1.e.).

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. There were reports that prisoners needing medical treatment have been beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. In November four Protestants were tortured while in police custody and at least three of them subsequently had their homes and cars confiscated after being forced to sign a statement saying that they voluntarily had donated all they owned as a gift to the President (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, is rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Those who do not receive food from relatives suffer greatly. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months, who may bring food once every 2 months. In Kizlkaya prison, near Dashoguz, prisoners are forced to work in a kaolin mine under hazardous and unhealthy conditions (see Sections 2.b. and 6.c.). In September 1999, a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit independent monitoring of prison conditions. The OSCE has repeatedly requested permission from the Government to visit prisons, but has received no response.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

On January 5, the Government arrested Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement. Nurmamedov was convicted of hooliganism and making death threats on a business associate; he was given a 5-year term in a labor camp, but was amnestied on December 22. Nurmamedov's son, Murat, was also convicted of hooliganism and sentenced to 2 years of hard labor, but was put under house arrest instead of going to prison. The arrests of Nurmamedov and his son followed shortly after Nurmamedov's statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life (see Section 2.a.).

In November 1999, the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov--a former government official who lives outside the country--to 11 years' imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

The precise number of political detainees held at year's end was unknown. By law a person accused of a crime can be held in pre-trial detention for up to 10 months. According to the Government, out of a total of 22,000 prisoners countrywide, some 12,000 prisoners were amnestied and released by year's end (see Sections 1.e and 3). Among those amnestied were political prisoners Nurberdy Nurmamedov and Pirkuli Tanrikuliev. A further 2,000 prisoners were granted a reduction in sentence. In January 1999, the Government released dissident Gulgeldi Annaniyazov.

In January there were reports that a Baptist pastor and his wife, who were residing legally in the country, were deported to Ukraine. In February the family of jailed Baptist Shageldi Atakov was exiled to a small village outside of Mary (see Section 2.c.). In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 2.c.). Also in March, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by Orazgylychev and his followers; he subsequently was released and sentenced to internal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the Government that was critical of the President.

In November 1999, President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

#### e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, in practice, the judiciary is not independent. The President's power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. The

President released over 12,000 inmates from prison in connection with general amnesties during the year (see Section 1.d. and 3). In practice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov. In January the Government released political prisoners Nurberdy Nurmamedov and Pirkuly Tanrikuliev as part of a general amnesty (see Section 1.d.). In September 1999, Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death (see Sections 1.a. and 1.c.). In December 1998, he and Mukhametkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.).

During the year, the Government demolished hundreds of private homes in and around Ashgabat at very short notice in order to make way for large government building projects such as a new sports stadium, public monuments, and luxury apartments. Those who built their homes without the appropriate approval from the Government were not offered alternate accommodations despite their length of occupancy or degree of hardship. Some of these families continue to live outdoors, near their destroyed homes, for lack of any alternative. Others who had the proper building permission have been offered apartments or plots of land in compensation, but such compensation is often not at fair market value (i.e. desert plots with no amenities) or inadequate for large families.

In April the President ordered the implementation of new procedures restricting searches of private homes (see Section 2.c.). The measures were formally approved by the legislature on June 15 and became effective immediately.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television. It funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. Russian-language newspapers from abroad are available by subscription only and are dated. Some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes in Ashgabat appears widespread, but the dishes are too expensive for poorer residents outside of urban areas.

While Internet access is available, there is now only one provider for the whole country. On May 29, the Government withdrew the licenses of all private Internet providers, leaving state-owned Turkmen Telecom as the sole Internet provider for the whole country. There are credible reports that the Government took this measure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. For normal usage, monthly fees average \$20 (400,000 manat at the street rate), which is the amount of the minimum monthly wage.

In June 1999, the tri-language daily Ashgabat dropped its English and Russian sections and now is printed in Turkmen only. There are no Russian-language radio broadcasts and only one short Russian-language news program on television each day. In order to regulate printing and copying activities, the Government ordered in February 1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. The focus of the media on President Niyazov, to the exclusion of objective news reporting, intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested and sentenced Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement, for hooliganism and making death threats; his son Murat was sentenced for hooliganism, as well (see Section 1.d.). The arrests followed shortly after Nurmamedov's statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life.

All foreign correspondents who had applied for accreditation, except the Reuters correspondent, had received it by year's end.

In January 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was soon released but remained under investigation, and his nongovernmental organization (NGO) remained unregistered at year's end.

Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also significantly restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out-of-favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works. The Government abolished the Academy of Sciences in 1998. No masters' degrees or doctorates have been granted in the country since that time.

The Government increased restrictions on academic freedom during the year. Following remarks by President Niyazov on September 27, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most have been destroyed. Scholars are very reluctant to begin textbook projects. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.).

President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.). The President also decreed that foreign languages would only be taught in special language centers located in specific schools.

#### b. Freedom of Peaceful Assembly and Association

The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations. In the past, there were reports of spontaneous demonstrations; for example, over bread prices. According to Human Rights Watch, in August approximately 200 village women who aimed to bring their grievances before the President were prevented from entering

Ashgabat by police forces. In September a group of approximately 30 students who had been accepted to study in Turkey but who had been denied exit visas demonstrated along with their parents in front of the cabinet of ministers building.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but have found it difficult to register as legal entities. However, during the year, the Government reportedly registered at least 10 NGO's: 8 groups affiliated with Sunni Islam (see Section 2.c.), 1 union of entrepreneurs and inventors, and 1 educational support group. Two registered NGO's that had experienced legal difficulties and were in danger of being closed down by the Government earlier in the year had resolved their legal disputes by year's end. One of the NGO's was in the process of re-registration and the other, which had not previously been registered, was not registered but was operating normally.

Theoretically citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July 1999, the Government arrested former parliamentarian and democracy advocate Pirkuli Tanrikuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. Thereafter the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university. He was released under the presidential amnesty in December.

#### c. Freedom of Religion

The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on most religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity. Publication of the President's philosophical and spiritual guidelines on what it means to be Turkmen, known as "rukhname," has been delayed several times. There is widespread concern over what rukhname might mean for individual freedom. The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy rather than an organ for promoting interfaith dialog. The Russian Orthodox council member wears presidential medals on his clerical vestments. According to a Keston News Service report, the Council appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion. During the year, the Government registered 10 new NGO's, 8 of which were affiliated with Sunni Islam (see Section 2.b.).

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover the Government applies this 500-member standard on a local basis. A religious group must have at least 500 adherents in each city in which they wish to be registered.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and, in 1997 and 1998, were questioned by internal security representatives for holding private prayer meetings in their homes. Although the local Baha'i community in Ashgabat was able to open its center for 1 day in March 1999 to celebrate the Faith's Nowruz (spring) holiday, this year the community believed that they would not be permitted to open for Nowruz and therefore did not request permission to open. However, the local Baha'i community in Ashgabat was able to conduct a memorial service at a local restaurant in January. In January 1999, the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated

during the Soviet era as a cultural center pending registration as a religious organization; however, at year's end, it had not yet received a response from the Government. The Halk Maslahaty (People's Council) had not yet reduced the 500 person threshold by year's end.

Although the law protects freedom of religion, the Government states officially that proselytizing by unregistered religions--i.e., everything other than Sunni Islam and Orthodox Christianity--is illegal. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. In March border officials confiscated religious materials being brought into the country in bulk by a visiting group affiliated with an evangelical Christian organization.

In August 1999, Shageldi Atakov, a prominent member of the Baptist faith, was sentenced to 4 years in prison and fined \$12,000 (686 million manats)--an astronomical sum considering average wages in the country amount to \$30 (approximately 156,000 manats) a month--for an alleged illegal transfer of automobiles in 1994 that Atakov denied. On February 3, the local Committee of National Security (KNB) chief reportedly expelled Atakov's wife and children from Mary to Kaakha, where they were told not to leave the town (see Section 1.d.). In March the Government arrested Atakov's brother Chariyar on unknown charges and imprisoned him for 15 days. Credible press reports indicate that a series of efforts to intimidate Baptist congregations throughout the country took place at the beginning and end of the year, including raids of homes and confiscation of religious materials. In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 1.d.). At year's end, there were many reports of Baptist churches in several cities having been harassed by the Government.

The Government also harassed Pentecostals. On February 4, law enforcement authorities reportedly beat the Pastor and confiscated religious materials at a Pentecostal facility in Tejen. On February 6, agents from the KNB broke up a service at a Pentecostal house of worship in Ashgabat and recorded the names of all those present.

Muslims were also the target of mistreatment. In March the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgylychev's Turkmen translation of the Koran be burned. Orazgylychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Sections 1.d.).

In April President Niyazov ordered that Muslim madrassahs and other religious schools be closed and that only two such schools, functioning under the auspices of the government-controlled Muftiyat, be allowed.

The President ordered the implementation of new procedures restricting searches of private homes in April, which the legislature approved in June (see Section 1.f.). The period following these measures reportedly saw a significant reduction of police harassment of some religious believers in their private homes and a reduction in the confiscation of religious property during the summer. However, there was an increase in such activity during the last 4 months of the year.

In October KNB officials detained Seventh Day Adventist pastor Pavel Fedotov at a Bible reading in Turkmenabad and charged him with holding an unsanctioned meeting and confiscating videotapes; he was released several days thereafter. In November four Protestants were reportedly tortured by police because of their religious affiliations, and at least three of them had their homes and cars confiscated after being forced to sign a statement saying that they had voluntarily donated all they owned as a gift to the President (see Section 1.c.). Police continued to detain and harass the Protestants after the initial incident.

The Seventh Day Adventist congregation in Ashgabat, whose church was demolished on short notice in November 1999 as part of a Government urban clearing project, has received neither compensation nor alternative premises for worship.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes restrictions both on freedom of movement within the country and on travel abroad. The Government has tightened restrictions on travel to border cities and regions, having declared large parts of the country closed. Throughout the year, the President repeatedly told the Ministry of Foreign Affairs to maintain control over foreigners in the country. Citizens still carry internal passports. These documents are

used primarily as a form of identification, rather than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a means of restricting international travel. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June 1999 when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.a.).

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of the forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards; however, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-man state. Despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in reality even local leaders are selected and dismissed by the President. In December 1999, the Halk Maslahaty proposed, and the newly elected Mejlis (Parliament) approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president, conferring on him a lifetime term in office.

In November 1998, the President announced that any Turkmen citizen who would like to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, some 140,000 letters were received by the President. Citizens still apparently write to the President because these letters are often cited in the local media, but the numbers received during the year were not reported.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August 1999, the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees and has no real independence. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary elections scheduled for December 1999 for a reconstituted Mejlis would be "free and fair" and conducted on a "wide democratic basis;" however, the elections were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad



electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Thirteen members of the 50-member Mejlis are female, although women constitute over 50 percent of the population. Women serve in the following positions: Minister of Textiles, Prosecutor General, Chief of Presidential Protocol, Deputy Minister of Health, Deputy Minister of Social Welfare, Deputy Minister of Education, Deputy Minister of Economy and Finance, and Deputy Chairman for Textiles and Foreign Trade. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In January 1999, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Of the 2,590 complaints received during the year, some 35 percent concerned appeals, pardons, and abuses by law enforcement officials; 10 percent dealt with social and economic problems; and 24 percent concerned housing. The remainder were in the miscellaneous category. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January 1999, the OSCE opened an office in Ashgabat. There was no further progress on negotiations on a memorandum of understanding between the Government and the OSCE.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

##### Women

Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer

discrimination.

#### Children

The Government's social umbrella covers the welfare needs of children. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality. In September 1999, the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. Education is free and compulsory.

Class sizes in the country are increasing rapidly, facilities are deteriorating, and funds for textbooks and supplies are decreasing. In September the President called for a reduction in the number of teachers by 10,000 before the end of the year. Educators are concerned that this will further exacerbate crowded

classrooms, overwork teachers, and further reduce the quality of education in the country. The ostensible reason for the reduction is to increase salaries for the remaining teachers. However, past similar promises have been unfulfilled, and teachers are routinely paid 2 to 3 months late. In 1998 the Ministry of Education (MED) increased the number of students per class from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$2,000 and \$4,000. Paying bribes for good grades is also a common practice. Furthermore, the MED has discouraged schools from having contacts with NGO's and international organizations.

There is no societal pattern of abuse against children. However, during the annual cotton harvest, some schools in agricultural areas are closed and children as young as 10 years of age work in the cotton fields for up to 2 months (see Sections 6.c. and 6.d.).

#### People with Disabilities

Government subsidies and pensions are provided for those with disabilities, although the pensions are inadequate to maintain a decent standard of living. Those capable of working generally are provided with jobs under still valid preindependence policies that virtually guarantee employment to all. According to existing legislation, facilities to allow access by the disabled must be included in new construction projects. However, compliance is inconsistent and most older buildings are not so equipped. Care for the mentally retarded and mentally ill is provided on the local level. Mentally retarded and mentally ill children are placed in boarding schools, with educational and future employment opportunities if their condition is mild. The psychological hospital in Bekrova and the psychological clinic in Gok Tepe were closed over the past year. To compensate a psychiatric hospital was opened in Dashoguz for those in need of in-patient care. There is also a hospital for the criminally insane in Lebap Velayat. Out-patient facilities exist in Ashgabat, Yoloten, and Tedjen. In theory patients receive food, clothing, and medical care at in-patient facilities but in practice, supplies are inadequate and services are poor.

#### National/Racial/Ethnic Minorities

The Constitution provides for equal rights and freedoms for all citizens. Turkmen comprise approximately 77 percent of the population of about 5.2 million; Uzbeks, 9 percent; and Russians, 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Since independence the country has not experienced ethnic turmoil.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use them. While Russian remains in common usage in commerce and in everyday life, the Government has intensified its campaign over the past year for official business to be conducted solely in Turkmen. Some high-ranking government officials have been publicly criticized by the President for their failure to speak Turkmen. In accordance with his wishes, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). In June 1999, the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October 1999,

the state radio ceased entirely its daily 15-minute Russian language news broadcast. During the year, there were no Russian language radio broadcasts and only 15 minutes of news in Russian on television each day. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language. The most prominent example was the rector of the Polytechnical Institute in Ashgabat, who was dismissed from his position in 1999 for his inability to speak Turkmen.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking Russian citizenship.

## Section 6 Worker Rights

### a. The Right of Association

Turkmenistan inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. The country joined the International Labor Organization in 1993.

### b. The Right to Organize and Bargain Collectively

The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor; however, there were unconfirmed, anecdotal reports of trafficking in women (see Sections 5 and 6.f.) and reports of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Section 1.c. and 2.b.). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of children who work in cotton harvesting in rural areas (see Section 5 and 6.d.).

### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal

workday is 8 hours).

A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers work in the fields and children as young as 10 years of age sometimes help with the harvest.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5 and 6.c.).

#### e. Acceptable Conditions of Work

There is no minimum wage. In December 1999, the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to provide a decent standard of living for a worker and his or her family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions—one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

#### f. Trafficking in Persons

There are unconfirmed, anecdotal reports of women from Turkmenistan traveling to Turkey and the United Arab Emirates (U.A.E.) and working as prostitutes, especially before the U.A.E. tightened its entry visa requirements for young women over the past few years. The Government does not have programs in place to combat trafficking in persons, but cooperates in educational efforts on this topic. In November 1999, the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

[End.]